

AMENDED IN SENATE MARCH 26, 2001

SENATE BILL

No. 349

**Introduced by Committee on Business and Professions (Senators
Figueroa (Chair), Johannessen, Machado, Morrow, Murray,
O'Connell, and Polanco)**

February 20, 2001

~~An act to amend Section 2471 of the Business and Professions Code, relating to healing arts.~~ *An act to amend Sections 2470, 2535.2, 2684, 2786, 2892.1, 2984, 3147, 3524, 3735.3, 4545, 4980.38, 4980.40, 4980.41, 4980.45, and 4982 of, and to amend and repeal Section 2471 of, the Business and Professions Code, relating to healing arts, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 349, as amended, Committee on Business and Professions. ~~Healing arts: podiatry.~~

(1) Existing law, the Medical Practices Act, provides for the licensure and regulation of the practice of podiatric medicine by the California Board of Podiatric Medicine within the Medical Board of California. Pursuant to existing law, the podiatric medicine board may contract with consultants to assist the board in its enforcement program.

This bill would ~~allow~~ *authorize* the board to employ all personnel necessary to carry out its duties subject to the appointment of investigative personnel by the Division of Investigation in the Department of Consumer Affairs. The bill would make the ~~aforementioned~~ contract and employment provisions affecting the podiatric medicine board inoperative as of July 1, 2003, *and would repeal them on January 1, 2004.*

(2) Existing law, the Respiratory Care Practice Act, provides for the licensure and regulation of respiratory therapists. An applicant, in order to sit for the respiratory care practitioner licensure examination, is required to submit certified documentation to the Respiratory Care Board of California that the applicant has completed the necessary training program.

This bill would revise the requirements as to the documentation that is required to be submitted to the board, including specifying the contents of an official transcript.

(3) Existing law provides that in certain circumstances specified license or registration renewal fees must be paid in order to renew an expired license or registration for speech-language pathologists and audiologists, physical therapists, vocational nurses, psychologists, optometrists, physician assistants, and psychiatric technicians.

This bill would require payment of all accrued and unpaid licensure or registration renewal fees in order for an individual to renew his or her license or registration with regard to the above professions or vocations. Because this bill would increase fee revenue deposited into various continuously appropriated funds applicable to these separate professions or vocations, the bill would make an appropriation.

(4) Existing law provides for the licensure and regulation of marriage, family, and child counselors. An educational institution preparing applicants for licensure is required to notify students that its degree program is designed to meet certain requirements. An applicant for licensure is required to submit to the Board of Behavioral Sciences certification that he or she has met certain educational requirements.

This bill would add additional requirements to the notification that an educational institution is required to give students. The bill would also make changes to the coursework that an applicant is required to provide certification to the board of its completion.

Existing law requires a registered marriage, family, and child counselor intern to notify the board of his or her commencement of employment and termination of employment, and to meet certain guidelines in doing so, or he or she may potentially lose credit for the experience gained during the period of employment.

This bill would eliminate the requirement that a registered intern notify the board of the commencement of employment and the termination of employment as an intern.

(5) Existing law requires that the Board of Registered Nursing provide for analysis to be performed of the practice of entry level



registered nursing at least every 8 years and that the analysis be used in the determination of subjects required to be completed at nursing school for licensure as a registered nurse.

This bill would require the analysis to be of all registered nurses and to be completed every 3 years. The bill would also require that the results of the analysis be utilized in determining required subjects for validation of the licensing examination and assessment of the current practice of nursing.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2470 of the Business and Professions Code is amended to read:

2470. The board may adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, regulations ~~which are~~ necessary to enable the board to carry into effect the provisions of law relating to the practice of podiatric medicine. ~~All regulations adopted, amended, or repealed by the board, except those regulations adopted in furtherance of Sections 2496 and 2499.5, shall be subject to the review and approval of the division in accordance with the following procedure:~~

(a) ~~The board shall file with the division, and concurrently with the Office of Administrative Law, the notice of proposed adoption, amendment, or repeal of regulations, the express terms of such proposed regulations, and the initial statement of reasons for those regulations. The division may file written testimony regarding any proposed regulations with the board, and the board shall file the testimony with the Office of Administrative Law.~~

(b) ~~After the board adopts, amends, or repeals regulations as originally made available to the division, the board shall submit those regulations to the division. The division shall notify the board of its approval or rejection of the regulations within 30 days of the submittal by the board. If the division fails to act within 30 days, the regulations shall be deemed approved. The division may act on the regulations at a regularly scheduled meeting or by a review of the written material from the board. Any action taken after a review of the written material may be taken by a mail vote.~~

~~The approval of regulations shall require the affirmative vote of a majority of the members then appointed.~~

~~(c) In the event the division disapproves a regulation, it shall notify the board in writing of the basis for its disapproval.~~

SEC. 2. Section 2471 of the Business and Professions Code is amended to read:

2471. (a) Except as provided by Section 159.5, the board may employ, within the limits of the funds received by the board, all personnel necessary to carry out this chapter.

(b) The board may select and contract with necessary podiatric medical consultants who are licensed doctors of podiatric medicine to assist it in its enforcement program on an intermittent basis. No person may serve as a consultant for more than a total of 48 months unless there has been a break following his or her achievement of that period of service of at least 36 months. Notwithstanding any other provision of law, the board may contract with these consultants on a sole source basis.

(c) Notwithstanding the limitation on service under subdivision (a), the board may continue to contract with the consultant who was responsible for investigating or prosecuting a specific case if the case is continued past the term of the consultant's contract.

(d) For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, any consultant under contract with the board shall be considered a public employee.

(e) This section shall become inoperative on July 1, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 2535.2 of the Business and Professions Code is amended to read:

2535.2. Except as provided in Section 2535.3, a license ~~which~~ *that* has expired may be renewed at any time within five years after its expiration upon filing of an application for renewal on a form prescribed by the board and payment of ~~the renewal fee in effect on the last regular renewal date~~ *all accrued and unpaid renewal fees*. If the license is not renewed on or before its expiration, the licensee, as a condition precedent to renewal, shall also pay the prescribed delinquency fee. Renewal under this section shall be effective on the date on which the application is filed, on the date

on which ~~the all~~ renewal fee ~~is~~ fees are paid, or on the date on which the delinquency fee is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in Section 2535, after the effective date of the renewal, when it shall expire and become invalid if it is not again renewed.

SEC. 4. *Section 2684 of the Business and Professions Code is amended to read:*

2684. (a) Notwithstanding Section 2422, any license or approval for the practice of physical therapy shall expire at 12 midnight on the last day of the birth month of the licensee or holder of an approval during the second year of a two-year term, if not renewed.

(b) To renew an unexpired license or approval, the licensee or the holder of an approval shall, on or before the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board and pay the prescribed renewal fee.

(c) *A license that has expired may be renewed within five years upon payment of all accrued and unpaid renewal fees.*

SEC. 5. *Section 2786 of the Business and Professions Code is amended to read:*

2786. (a) An approved school of nursing is one which has been approved by the board, gives the course of instruction approved by the board, covering not less than two academic years, and is affiliated or conducted in connection with one or more hospitals, and is an institution of higher education or is affiliated with an institution of higher education. For purposes of this section, “institution of higher education” includes community colleges offering an associate degree. An approved school of nursing which is not an institution of higher education shall make an agreement with an institution of higher education in the same general location to grant an associate of arts degree to individuals who graduate from such school of nursing or to grant a baccalaureate degree in nursing with successful completion of an additional course of study as approved by the board and the institution involved.

(b) The board shall determine by regulation the required subjects of instruction to be completed in an approved school of nursing for licensure as a registered nurse and shall include the minimum units of theory and clinical experience necessary to

1 achieve essential clinical competency at the entry level of the
2 registered nurse. The board's standards shall be designed to
3 encourage all schools to provide clinical instruction in all phases
4 of the educational process.

5 (c) The board shall perform or cause to be performed an
6 analysis of the practice of the registered nurse ~~at the entry level at~~
7 ~~least every eight three years. The Results of this analysis shall be~~
8 ~~utilized to assist in the~~ determination of the required subjects of
9 instruction ~~shall include, but not be limited to, the above analysis,~~
10 ~~validation of the licensing examination, and assessment of the~~
11 ~~current practice of nursing.~~

12 SEC. 6. Section 2892.1 of the Business and Professions Code
13 is amended to read:

14 2892.1. Except as provided in Sections 2892.3 and 2892.5, an
15 expired license may be renewed at any time within four years after
16 its expiration upon filing of an application for renewal on a form
17 prescribed by the board, payment of ~~the renewal fee in effect on~~
18 ~~the date the application for renewal is filed~~ all accrued and unpaid
19 renewal fees, and payment of any fees due pursuant to Section
20 2895.1.

21 If the license is renewed more than 30 days after its expiration,
22 the licensee, as a condition precedent to renewal, shall also pay the
23 delinquency fee prescribed by this chapter. Renewal under this
24 section shall be effective on the date on which the application is
25 filed, on the date on which ~~the all renewal fee is~~ fees are paid, or
26 on the date on which the delinquency fee is paid, whichever last
27 occurs. If so renewed, the license shall continue in effect through
28 the date provided in Section 2892 which next occurs after the
29 effective date of the renewal, when it shall expire if it is not again
30 renewed.

31 SEC. 7. Section 2984 of the Business and Professions Code is
32 amended to read:

33 2984. Except as provided in Section 2985, a license ~~which~~
34 ~~that~~ has expired may be renewed at any time within three years
35 after its expiration on filing of application for renewal on a form
36 prescribed by the board and payment of ~~the renewal fee in effect~~
37 ~~on the last regular renewal date~~ all accrued and unpaid renewal
38 fees. If the license is renewed after its expiration, the licensee, as
39 a condition precedent to renewal, shall also pay the prescribed
40 delinquency fee, if any. Renewal under this section shall be

effective on the date on which the application is filed, on the date on which ~~the all~~ renewal ~~fee is~~ fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in Section 2982 which next occurs after the effective date of the renewal, when it shall expire and become invalid if it is not again renewed.

SEC. 8. *Section 3147 of the Business and Professions Code is amended to read:*

3147. Except as otherwise provided by Section 114 of this code, an expired certificate may be renewed at any time within three years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of ~~150 percent of the renewal fee, but not more than twenty-five dollars (\$25) in excess of the renewal fee~~ all accrued and unpaid renewal fees. If the certificate is renewed more than 30 days after its expiration, the certificate holder as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the accrued renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 3146 which next occurs after the effective date of the renewal, when it shall expire if it is not renewed.

A certificate which, under the law in effect before October 1, 1961, became suspended because of the failure of its holder to renew it, shall, for the purposes of this article, be considered to have expired on the date that it became suspended.

SEC. 9. *Section 3524 of the Business and Professions Code is amended to read:*

3524. A license or approval ~~which~~ that has expired may be renewed at any time within five years after its expiration by filing an application for renewal on a form prescribed by the committee or board, as the case may be, and payment of ~~the renewal fee in effect on the preceding regular renewal date~~ all accrued and unpaid renewal fees. If the license or approval is not renewed within 30 days after its expiration, the licensed physician assistant and approved supervising physician, as a condition precedent to renewal, shall also pay the prescribed delinquency fee, if any.

1 Renewal under this section shall be effective on the date on which
2 the application is filed, on the date on which ~~the all renewal fee is~~
3 ~~fees are~~ paid, or on the date on which the delinquency fee, if any,
4 is paid, whichever occurs last. If so renewed, the license shall
5 continue in effect through the expiration date provided in Section
6 3522 or 3523 which next occurs after the effective date of the
7 renewal, when it shall expire, if it is not again renewed.

8 *SEC. 10. Section 3735.3 of the Business and Professions Code*
9 *is amended to read:*

10 3735.3. An applicant for a license as a respiratory care
11 practitioner may not sit for the examination ~~unless a verification~~
12 ~~from the program director, in a form acceptable to the board,~~
13 ~~declaring the applicant has graduated from the training program is~~
14 ~~received in the board's office at least 15 days prior to the date of~~
15 ~~the examination. A certified copy of a certificate of completion or~~
16 ~~until an official transcript from the training program shall be has~~
17 ~~been submitted directly from the program or institution to the~~
18 ~~board prior to the issuance of a license as a respiratory care~~
19 ~~practitioner. The official transcript shall list coursework taken,~~
20 ~~grades given, date of graduation, and degree conferred.~~

21 *SEC. 11. Section 4545 of the Business and Professions Code*
22 *is amended to read:*

23 4545. Except as provided in Section 4545.2, a license ~~which~~
24 ~~that~~ has expired may be renewed at any time within four years after
25 its expiration on filing an application for renewal on a form
26 prescribed by the board, and payment of ~~the renewal fee in effect~~
27 ~~on the date the application for renewal was filed all accrued and~~
28 ~~unpaid renewal fees,~~ and payment of all fees required by this
29 chapter. If the license is renewed more than 30 days after its
30 expiration, the holder, as a condition precedent to renewal, shall
31 also pay the delinquency fee prescribed by this chapter. Renewal
32 under this section shall be effective on the date on which the
33 application is filed, on the date on which the renewal fee is paid,
34 or on the date on which the delinquency fee, if any, is paid,
35 whichever last occurs. If so renewed, the license shall continue in
36 effect through the date provided in Section 4544 which next occurs
37 after the effective date of the renewal, when it shall expire if it is
38 not again renewed.

39 A certificate which was forfeited for failure to renew under the
40 law in effect before October 1, 1961, shall, for the purposes of this

1 article, be considered to have expired on the date that it became
2 forfeited.

3 *SEC. 12. Section 4980.38 of the Business and Professions*
4 *Code is amended to read:*

5 4980.38. (a) Each educational institution preparing
6 applicants to qualify for licensure shall notify each of its students
7 by means of its public documents or otherwise in writing that its
8 degree program is designed to meet the ~~requirement~~ requirements
9 of ~~Section~~ Sections 4980.37 and 4980.40, and shall certify to the
10 board that it has so notified its students.

11 (b) In addition to all the other requirements for licensure, each
12 applicant shall submit to the board a certification by the chief
13 academic officer, or his or her designee, of the applicant's
14 educational institution that the applicant has fulfilled the
15 requirements enumerated in Sections 4980.37 and 4980.40, and
16 subdivisions ~~(a) and~~ (d) and (e) of Section 4980.41.

17 (c) An applicant for an intern registration who has completed
18 a program to update his or her degree in accordance with
19 subdivision (k) of Section 4980.40 shall furnish to the board
20 certification by the chief academic officer of a school, college, or
21 university accredited by the Western Association of Schools and
22 Colleges, or from a school, college, or university meeting
23 accreditation standards comparable to those of the Western
24 Association of Schools and Colleges, that the applicant has
25 successfully completed all academic work necessary to comply
26 with the current educational requirements for licensure as a
27 marriage, family, and child counselor.

28 *SEC. 13. Section 4980.40 of the Business and Professions*
29 *Code is amended to read:*

30 4980.40. To qualify for a license an applicant shall have all the
31 following qualifications:

32 (a) Applicants applying for licensure on or after January 1,
33 1988, shall possess a doctor's or master's degree in marriage,
34 family, and child counseling, marital and family therapy,
35 psychology, clinical psychology, counseling psychology,
36 counseling with an emphasis in marriage, family, and child
37 counseling, *counseling with an emphasis in marriage and family*
38 *therapy*, or social work with an emphasis in clinical social work,
39 obtained from a school, college, or university accredited by the
40 Western Association of Schools and Colleges, or approved by the

1 Bureau for Private Postsecondary and Vocational Education,
2 pursuant to Section 94774.5 of the Education Code. For purposes
3 of this chapter, the term “approved by the Bureau for Private
4 Postsecondary and Vocational Education” shall not include
5 temporary, conditional, or any other type of interim approval. In
6 order to qualify for licensure pursuant to this subdivision, any
7 doctor’s or master’s degree program shall contain no less than 48
8 semester or 72 quarter units of instruction. The instruction shall
9 include no less than 12 semester units or 18 quarter units of
10 coursework in the areas of marriage, family, and child counseling,
11 and marital and family systems approaches to treatment.

12 The coursework shall include all of the following areas:

13 (1) The salient theories of a variety of psychotherapeutic
14 orientations directly related to marriage, family, and child
15 counseling, and marital and family systems approaches to
16 treatment.

17 (2) Theories of marriage and family therapy and how they can
18 be utilized in order to intervene therapeutically with couples,
19 families, adults, children, and groups.

20 (3) Developmental issues and life events from infancy to old
21 age and their effect upon individuals, couples, and family
22 relationships. This may include coursework that focuses on
23 specific family life events and the psychological,
24 psychotherapeutic, and health implications that arise within
25 couples and families, including, but not limited to, childbirth,
26 child rearing, childhood, adolescence, adulthood, marriage,
27 divorce, blended families, stepparenting, and geropsychology.

28 (4) A variety of approaches to the treatment of children.

29 The board may, by regulation, further define the content
30 requirements of required courses specified in this subdivision.

31 (b) (1) In addition to the 12 semester or 18 quarter units of
32 coursework specified above, the doctor’s or master’s degree
33 program shall contain not less than six semester or nine quarter
34 units of supervised practicum in applied psychotherapeutic
35 techniques, assessment, diagnosis, prognosis, and treatment of
36 premarital, couple, family, and child relationships, including
37 dysfunctions, healthy functioning, health promotion, and illness
38 prevention, in a supervised clinical placement that provides
39 supervised fieldwork experience within the scope of practice of a
40 marriage, family, and child counselor.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) (A) Supervised practicum hours, as specified in this subdivision, shall be evaluated, accepted, and credited as hours for trainee experience by the board.

(B) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(c) As an alternative to meeting the qualifications specified in subdivision (a), the board shall accept as equivalent degrees, those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(d) All applicants shall, in addition, complete the coursework or training specified in Section 4980.41.

(e) All applicants shall be at least 18 years of age.

(f) All applicants shall have at least two years' experience that meets the requirements of this chapter in interpersonal relationships, marriage, family, and child counseling and psychotherapy under the supervision of a licensed marriage, family, and child counselor, licensed clinical social worker, licensed psychologist, or a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology. Experience shall not be gained under the supervision of an individual who has provided therapeutic services to that applicant. For those supervisory relationships in effect on or before December 31, 1988, and ~~which~~ *that* remain in continuous effect thereafter, experience may be gained under the supervision of a licensed physician who has completed a residency in psychiatry. Any person supervising another person pursuant to this subdivision shall have been licensed or certified for at least two years prior to acting as a supervisor, shall have a current and valid license that is not under suspension or probation, and shall meet the requirements established by regulations.

(g) The applicant shall pass a written examination and an oral examination conducted by the board or its designees.

(h) The applicant shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person

1 who has been convicted of any crime in the United States that
2 involves sexual abuse of children or who has been ordered to
3 register as a mentally disordered sex offender or the equivalent in
4 another state or territory.

5 (i) Applicants applying for licensure on or before December
6 31, 1987, shall possess all of the qualifications specified in
7 subdivisions (e) to (h), inclusive, and shall possess a doctor's or
8 master's degree in marriage, family, and child counseling, social
9 work, clinical psychology, counseling, counseling psychology,
10 child development and family studies, or a degree determined by
11 the board to be equivalent, obtained from a school, college, or
12 university accredited by the Western Association of Schools and
13 Colleges, the Northwest Association of Secondary and Higher
14 Schools, or an essentially equivalent accrediting agency as
15 determined by the board.

16 (j) For applicants applying for a license pursuant to subdivision
17 (i), the board may make a determination that an applicant's
18 master's or doctor's degree is an equivalent degree if it finds that
19 the degree was issued upon completion of a course of academic
20 study primarily designed to train persons as a marriage, family, and
21 child counselor. The course of study completed by the applicant
22 shall contain not less than 30 semester or 45 quarter units of
23 coursework as follows: (1) human biological, psychological, and
24 social development, (2) human sexuality, (3) psychopathology, (4)
25 cross-cultural mores and values, (5) theories of marriage, family,
26 and child counseling, (6) professional ethics and law, (7) human
27 communication, (8) research methodology, (9) theories and
28 applications of psychological testing, and (10) not less than six
29 semester or nine quarter units of supervised practicum in applied
30 psychotherapeutic techniques, assessment, diagnosis, prognosis,
31 and treatment of premarital, family, and child relationship
32 dysfunctions. The applicant shall submit to the board satisfactory
33 written verification by the chief academic officer of the accredited
34 or approved school, or by an authorized designee, that the
35 applicant has successfully completed courses, including the
36 practicum required by the board. The verification shall include,
37 but need not be limited to, descriptions of the completed courses.
38 The board may request further written verification of course
39 content and academic experience to determine that the applicant's

1 training and experience is equivalent to the course of instruction
2 required by this section.

3 (k) (1) An applicant applying for intern registration who, prior
4 to December 31, 1987, met the qualifications for registration, but
5 who failed to apply or qualify for intern registration may be
6 granted an intern registration if the applicant meets all of the
7 following criteria:

8 (A) The applicant possesses a doctor's or master's degree in
9 marriage, family, and child counseling, marital and family
10 therapy, psychology, clinical psychology, counseling psychology,
11 counseling with an emphasis in marriage, family, and child
12 counseling, or social work with an emphasis in clinical social work
13 obtained from a school, college, or university currently conferring
14 that degree that, at the time the degree was conferred, was
15 accredited by the Western Association of Schools and Colleges,
16 and where the degree conferred was, at the time it was conferred,
17 specifically intended to satisfy the educational requirements for
18 licensure by the Board of Behavioral Sciences.

19 (B) The applicant's degree and the course content of the
20 instruction underlying that degree have been evaluated by the chief
21 academic officer of a school, college, or university accredited by
22 the Western Association of Schools and Colleges to determine the
23 extent to which the applicant's degree program satisfies the current
24 educational requirements for licensure, and the chief academic
25 officer certifies to the board the amount and type of instruction
26 needed to meet the current requirements.

27 (C) The applicant completes a plan of instruction that has been
28 approved by the board at a school, college, or university accredited
29 by the Western Association of Schools and Colleges that the chief
30 academic officer of the educational institution has, pursuant to
31 subparagraph (B), certified will meet the current educational
32 requirements when considered in conjunction with the original
33 degree.

34 (2) A person applying under this subdivision shall be
35 considered a trainee, as that term is defined in Section 4980.03,
36 once he or she is enrolled to complete the additional coursework
37 necessary to meet the current educational requirements for
38 licensure.

39 (l) This section shall become operative on January 1, 1997.

1 *SEC. 14. Section 4980.41 of the Business and Professions*
2 *Code is amended to read:*

3 4980.41. All applicants for licensure shall complete the
4 following coursework or training in order to be eligible to sit for
5 the licensing examinations:

6 (a) A two semester or three quarter unit course in California law
7 and professional ethics for marriage, family, and child counselors,
8 which shall include, but *is not* ~~be~~ limited to, the following areas of
9 study:

10 (1) Contemporary professional ethics and statutory, regulatory,
11 and decisional laws that delineate the profession's scope of
12 practice.

13 (2) The therapeutic, clinical, and practical considerations
14 involved in the legal and ethical practice of marriage, family, and
15 child counseling, including family law.

16 (3) The current legal patterns and trends in the mental health
17 profession.

18 (4) The psychotherapist/patient privilege, confidentiality, the
19 patient dangerous to self or others, and the treatment of minors
20 with and without parental consent.

21 (5) A recognition and exploration of the relationship between
22 a practitioner's sense of self and human values and his or her
23 professional behavior and ethics.

24 This course may be considered as part of the 48 semester or 72
25 quarter unit requirements contained in Section 4980.40.

26 (b) A minimum of seven contact hours of training or
27 coursework in child abuse assessment and reporting as specified
28 in Section 28 ~~or~~ *and* any regulations promulgated thereunder.

29 (c) A minimum of 10 contact hours of training or coursework
30 in human sexuality as specified in Section 25, and any regulations
31 promulgated thereunder. When coursework in a master's or
32 doctor's degree program is acquired to satisfy this requirement, it
33 shall be considered as part of the 48 semester or 72 quarter unit
34 requirement contained in Section 4980.40.

35 (d) Except for persons who began graduate study prior to
36 January 1, 1986, a master's or doctor's degree qualifying for
37 licensure shall include specific instruction in alcoholism and other
38 chemical substance dependency as specified by regulation. When
39 coursework in a master's or doctor's degree program is acquired
40 to satisfy this requirement, it shall be considered as part of the 48

1 semester or 72 quarter unit requirement contained in Section
2 4980.40.

3 (e) Except for persons who began graduate study prior to
4 January 1, 1995, a master's or doctor's degree qualifying for
5 licensure shall include coursework in spousal or partner abuse
6 assessment, detection, and intervention. Coursework required
7 under this subdivision may be satisfactory if taken either in
8 fulfillment of other educational requirements for licensure or in a
9 separate course. The requirement for coursework in spousal or
10 partner abuse detection and treatment shall be satisfied by, and the
11 board shall accept in satisfaction of the requirement, a certification
12 from the chief academic officer of the educational institution from
13 which the applicant graduated that the required coursework is
14 included within the institution's required curriculum for
15 graduation.

16 (f) Except for persons who began graduate study prior to
17 January 1, 2001, an applicant shall complete a minimum of a two
18 semester or three quarter unit survey course in psychological
19 testing. When coursework in a master's or doctor's degree
20 program is acquired to satisfy this requirement, it may be
21 considered as part of the 48 semester or 72 quarter unit
22 requirement of Section 4980.40.

23 (g) Except for persons who began graduate study prior to
24 January 1, 2001, an applicant shall complete a minimum of a two
25 semester or three quarter unit survey course in
26 psychopharmacology. When coursework in a master's or doctor's
27 degree program is acquired to satisfy this requirement, it may be
28 considered as part of the 48 semester or 72 quarter unit
29 requirement of Section 4980.40.

30 (h) The requirements added by subdivisions (f) and (g) are
31 intended to improve the educational qualifications for licensure in
32 order to better prepare future licentiates for practice, and are not
33 intended in any way to expand or restrict the scope of licensure for
34 marriage and family therapists.

35 *SEC. 15. Section 4980.45 of the Business and Professions*
36 *Code is amended to read:*

37 4980.45. (a) A licensed professional in private practice who
38 is a marriage, family, and child counselor, a psychologist, a clinical
39 social worker, a licensed physician certified in psychiatry by the
40 American Board of Psychiatry and Neurology, or a licensed

1 physician who has completed a residency in psychiatry and who
2 is described in subdivision (f) of Section 4980.40 may supervise
3 or employ, at any one time, no more than two unlicensed marriage,
4 family, and child counselor registered interns in that private
5 practice.

6 (b) A marriage, family, and child counseling corporation may
7 employ, at any one time, no more than two registered interns for
8 each employee or shareholder who is qualified to provide
9 supervision pursuant to subdivision (f) of Section 4980.40. In no
10 event shall any corporation employ, at any one time, more than 10
11 registered interns. In no event shall any supervisor supervise, at
12 any one time, more than two registered interns. Persons who
13 supervise interns shall be employed full time by the professional
14 corporation and shall be actively engaged in performing
15 professional services at and for the professional corporation.
16 Employment and supervision within a marriage, family, and child
17 counseling corporation shall be subject to all laws and regulations
18 governing experience and supervision gained in a private practice
19 setting.

20 ~~(c) Within 30 days of employment and within 30 days of~~
21 ~~termination of employment, in any allowable work setting, a~~
22 ~~registered intern shall notify the board in writing of the~~
23 ~~employment or termination of employment. The notice shall~~
24 ~~include the name of the registered intern, the full name and~~
25 ~~business address of the employer, the type of work setting where~~
26 ~~the intern is gaining hours of experience, and the date employment~~
27 ~~commenced or terminated. If an intern fails to notify the board~~
28 ~~within 30 days after the date of his or her employment or~~
29 ~~termination of employment, the board shall not accept any hours~~
30 ~~of experience gained during that period of employment prior to~~
31 ~~notification for the purposes of meeting the experience~~
32 ~~requirements for licensure. The board may, at its discretion, waive~~
33 ~~this requirement when it believes good cause exists.~~
34 ~~“Employment,” as used in this section, means the gaining of hours~~
35 ~~of experience in an allowable setting as an employee or as a~~
36 ~~volunteer. This subdivision does not apply to hours gained on or~~
37 ~~after January 1, 1994.~~

38 *SEC. 16. Section 4982 of the Business and Professions Code*
39 *is amended to read:*

4982. The board may refuse to issue any registration or license, or may suspend or revoke the license or registration of any registrant or licensee if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing any such person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using of any of the dangerous drugs specified in Section ~~4211~~ 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the

1 conviction of more than one misdemeanor or any felony involving
2 the use, consumption, or self-administration of any of the
3 substances referred to in this subdivision, or any combination
4 thereof. The board shall deny an application for a registration or
5 license or revoke the license or registration of any person, other
6 than one who is licensed as a physician and surgeon, who uses or
7 offers to use drugs in the course of performing marriage, family,
8 and child counseling services.

9 (d) Gross negligence or incompetence in the performance of
10 marriage, family, and child counseling.

11 (e) Violating, attempting to violate, or conspiring to violate any
12 of the provisions of this chapter or any regulation adopted by the
13 board.

14 (f) Misrepresentation as to the type or status of a license or
15 registration held by the person, or otherwise misrepresenting or
16 permitting misrepresentation of his or her education, professional
17 qualifications, or professional affiliations to any person or entity.

18 (g) Impersonation of another by any licensee, registrant, or
19 applicant for a license or registration, or, in the case of a licensee,
20 allowing any other person to use his or her license or registration.

21 (h) Aiding or abetting, or employing, directly or indirectly, any
22 unlicensed or unregistered person to engage in conduct for which
23 a license or registration is required under this chapter.

24 (i) Intentionally or recklessly causing physical or emotional
25 harm to any client.

26 (j) The commission of any dishonest, corrupt, or fraudulent act
27 substantially related to the qualifications, functions, or duties of a
28 licensee or registrant.

29 (k) Engaging in sexual relations with a client, or a former client
30 within two years following termination of therapy, soliciting
31 sexual relations with a client, or committing an act of sexual abuse,
32 or sexual misconduct with a client, or committing an act
33 punishable as a sexually related crime, if that act or solicitation is
34 substantially related to the qualifications, functions, or duties of a
35 marriage, family, and child counselor.

36 (l) Performing, or holding oneself out as being able to perform,
37 or offering to perform, or permitting any registered trainee or
38 registered intern under supervision to perform, any professional
39 services beyond the scope of the license authorized by this chapter.

1 (m) Failure to maintain confidentiality, except as otherwise
2 required or permitted by law, of all information that has been
3 received from a client in confidence during the course of treatment
4 and all information about the client which is obtained from tests
5 or other means.

6 (n) Prior to the commencement of treatment, failing to disclose
7 to the client or prospective client the fee to be charged for the
8 professional services, or the basis upon which that fee will be
9 computed.

10 (o) Paying, accepting, or soliciting any consideration,
11 compensation, or remuneration, whether monetary or otherwise,
12 for the referral of professional clients. All consideration,
13 compensation, or remuneration shall be in relation to professional
14 counseling services actually provided by the licensee. Nothing in
15 this subdivision shall prevent collaboration among two or more
16 licensees in a case or cases. However, no fee shall be charged for
17 that collaboration, except when disclosure of the fee has been
18 made in compliance with subdivision (n).

19 (p) Advertising in a manner which is false, misleading, or
20 deceptive.

21 (q) Reproduction or description in public, or in any publication
22 subject to general public distribution, of any psychological test or
23 other assessment device, the value of which depends in whole or
24 in part on the naivete of the subject, in ways that might invalidate
25 the test or device.

26 (r) Any conduct in the supervision of any registered intern or
27 registered trainee by any licensee that violates this chapter or any
28 rules or regulations adopted by the board.

29 (s) Performing or holding oneself out as being able to perform
30 professional services beyond the scope of one's competence, as
31 established by one's education, training, or experience. This
32 subdivision shall not be construed to expand the scope of the
33 license authorized by this chapter.

34 (t) Permitting a registered trainee or registered intern under
35 one's supervision or control to perform, or permitting the
36 registered trainee or registered intern to hold himself or herself out
37 as competent to perform, professional services beyond the
38 registered trainee's or registered intern's level of education,
39 training, or experience.

- 1 (u) The violation of any statute or regulation governing the
- 2 gaining and supervision of experience required by this chapter.
- 3 (v) Failure to keep records consistent with sound clinical
- 4 judgment, the standards of the profession, and the nature of the
- 5 services being rendered.

